

BEFORE THE NATIONAL GREEN TRIBUNAL, KOLKATA

O. A. No. 45 of 2024 (EZ)
(Earlier O. A. No. 132/2024/PB)

Suo Moto: News item titled "Hazaribagh me nadiyon se avaidh balu khaman kar roj kee kamai 10 lakh se jyada, sarkari adhikariyon kee hai milibhagat" appearing in Prabhat Bharat dated 14.12.2023.

.....Applicant(s)

Versus

Jharkhand State Pollution Control Board & Ors. ... Respondent(s)

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 Filed by: -

(Kumar Anurag Singh)
Advocate
JSPCB, Ranchi



O. A. No. 45 of 2024 (EZ)
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... Applicant(s)

Versus

Jharkhand State Pollution Control Board & Ors. ... Respondent(s)

Affidavit on behalf of Jharkhand State Pollution Control Board in compliance of the order dated 04.03.2025 & 23.04.2025.

I, Manoj Kumar Gupta, son of Late Narayan Lal Gupta presently posted as Officer on Special Duty (OSD), legal section, Jharkhand State Pollution Control Board, Ranchi and am duly authorized to swear this affidavit and do here by solemnly state and affirm as follows: -

1. That, at present, I am working and posted as Officer on Special Duty (legal section), Jharkhand State Pollution Control Board, Ranchi and as such, I am

Vertical text on the left margin: Admitted under Bharat Act 1961, Motor Vehicle Act 1988, etc.

Handwritten numbers: 49, 11/12/23, 63



well acquainted with all the facts and circumstances of this case.

2. That, I have gone through the order dated 04/03/2025 & 23/04/2025 passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata and have understood the contents therein.
3. That, I have been authorized to swear this affidavit by the Competent Authority. Further, it is stated that I have gone through the relevant files and records in the present case.
4. That it is humbly stated and submitted that earlier an affidavit was filed before the Eastern Bench of this Hon'ble Tribunal on March 04, 2025 wherein it was submitted that the detailed report with regard to accused persons/violators involved in illegal Sand Mining received from the Deputy Commissioner, hazaribagh vide Letter/Memo no.264 dated 03/03/2025, has been made available to the three Member Committee constituted by JSPCB for Computation of Environmental Compensation(E.C.).



5. That it is humbly stated and submitted that the Hon'ble Tribunal vide Order dated 04/03/2025 & 23/04/2025 was pleased to direct the Jharkhand State Pollution Control Board to file fresh affidavit bringing on record the Action Taken Report and to disclose the rate of illegally mined sand for purposes of determination of Environmental Compensation (E.C.).
6. That, it is humbly stated and submitted that the Environmental Compensation was calculated on the basis of estimated prevailing market rate at the site for illegally mined out sand @ Rs. 4000/-per 100 Cuft (Per tractor) against the accused named in the report of the Deputy Commissioner, hazaribagh in accordance with the methodology (*Approach-2*) adopted in paragraph 12 of the Order dated 26/02/2021 passed in O.A No.360 of 2015 with O.As by Hon'ble NGT, Principal Bench, New Delhi. The calculation is being reproduced below in brief as follows:-

Environment Compensation Calculation: (*Approach 2*)

$$NPV = PV - D$$

where PV = Present value of foregone Ecological Values



(@ 5% discount rate and over 5 years)

D = Market value of illegally mined material

(Considering market value of illegal mined sand **D**=Rs.4000/per Tractor)

Annual value of forgone ecological values per Tractor= **D*RF**

where **RF** is the Risk Factor (**RF=1** in case of severe Risk Level)

D*RF = Rs. 4000.00 x 1= Rs. 4000

$$PV = \sum_{t=1}^5 (4000)/(1 + 0.05)^t$$

$$= 4000/(1 + 0.05)^1 + 4000/(1 + 0.05)^2 + 4000/(1 + 0.05)^3 + 4000/(1 + 0.05)^4 + 4000/(1 + 0.05)^5$$

= Rs. 17320.00 per tractor (=100cuft per Tractor)

Total compensation:

NPV = PV - D = 17320 - 4000 = Rs.13320 per tractor (Tractor capacity 100cuft)

7. That it is humbly stated and submitted that accordingly the amount of environmental compensation (EC) was calculated against accused persons named in the report of the Deputy Commissioner, Hazaribagh for which calculation chart was submitted by Shri Ashutosh, Environmental Engineer of JSPCB and Shri Ashok Kumar Yadav, OSD of JSPCB.

Photocopy of calculation chart showing environmental compensation is annexed and marked **Annexure-A**.

8. That it is humbly stated and submitted that it is prayed that necessary action for imposition and



recovery of environmental compensation amounting to a total of Rs. 11,86,812/- (Rupees Eleven lakh Eighty-six thousand Eight hundred & twelve only) from the accused persons/violators named aforesaid in accordance with law and principle of natural justice is being initiated and is under process.

- 9. That, the instant Affidavit is filed bonafide and in the interest of justice.
- 10. That the statement made in forgoing paragraphs are true to my knowledge and annexure is true copy of its original.

Manoj Kumar Gupta
DEPONENT

VERIFICATION:

Verified at Ranchi on this the day of 11/7/2025 that the averments & facts stated herein above are true and correct to my knowledge and belief and nothing material has been concealed therefrom.

Manoj Kumar Gupta
DEPONENT



11/7/2025
NOTARY PUBLIC
RANCHI

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11/7/25

Calculation of Environmental Compensation in light of Board's letter no.713 dated 10.03.2025. Total 14 & 34 cases for which FIR has been registered (As per DC, Hazaribagh's letter vide 264 dated 03.03.2025).

F.y.2022-23

क्र० सं०	वाहन मालिक का नाम एवं पता	वाहन संख्या	दिनांक (जप्ती)	जप्त बालु की मात्रा /cft	EC (Market value of Sand =Rs.4000/100 Cft) in Rupees.
1	2	3	4	5	6
1	श्री मंदू कुमार पिता मुखन प्रभापति कैरेडारी, हजारीबाग	JH02BF8607	23.09.22	100 Cft	13,320
2	श्री गणेश महतो, पिता गुरुदयाल महतो, पताल, बडकी मेडी पताल, कैरेडारी, हजारीबाग	JH23A8140	28.09.22	100 Cft	13,320
3	श्री पचीत महतो, पिता सुकशा महतो, महादेव टोली, पो०- तुरगुली, थाना- बुडमू गोरावे, राँची।	JH01DY9895	13.10.22	100 Cft	13,320
4	श्री रंजेश कुमार, पिता कैलाश महतो, विकास नगर लोवर पंचवटी पुरम् बरियातु नीयर पानी टंकी के पास, बरियातु राँची।	JH02AS8686	02.11.22	400 Cft	53,280
5	बुलद अखार, पिता इस्ताम अहमद, हाथीदाडी सी०सी०एल० सौदा, सौदा सी. रामगढ़।	JH13C4655	02.11.22	400 Cft	53,280
6	श्री ओम प्रकाश कुमार पिता रामजी प्रसाद, बराघगाडी, न्यू नगर, दीपाटोली, बरियातु, राँची।	JH20C2839	02.11.22	400 Cft	53,280
7	श्री अरविन्द कुमार कश्यप, पिता जग प्रसाद कश्यप, पो० रातु थाना रातु रानी बाग, काटीतोड़, रोड नं 5, राँची।	JH01DQ2122	02.11.22	400 Cft	53,280
8	श्री आनन्द कुमार ओझा, पिता नमो नारायण ओझा, कोतो, थाना- पतरातु जिला- रामगढ़।	JH02AR8589	30.11.22	400Cft	53,280
9	श्री जितेन्द्र कुमार पिता स्व० उगन साव, ग्राम-बेगवरी, पो०- हेवई, थाना- कैरेडारी, जिला- हजारीबाग।	JH08C3656	23.12.22	100 Cft	13,320
10	श्री सुनिल सिंह, पिता स्व० वकील सिंह, ग्राम- कराली, पो०+थाना- कैरेडारी, जिला हजारीबाग।	JH13H2317	21.02.23	100 Cft	13,320
11	श्री कामेश्वर महतो, पिता ललजु महतो, हेसल पीरी, कटरु टोली, थाना- बुरमू जिला- राँची।	JH01DA8946	05.02.23	100 Cft	13,320
12	श्री सूचित उरॉव, पिता जगदीश उरॉव, करजुवा टोला, पो० गिन्जो ठाकुर गाँव, थाना- बुडमू जिला- राँची।	JH01CU5382	04.03.23	100 Cft	13,320
13	श्री संतोष साहु पिता बिहारी साहु गिन्जो ठाकुर गाँव, थाना बुरमू जिला-राँची।	JH01DM7378	19.03.23	100 Cft	13,320
14	श्री बैजनाथ साहु, पिता बिहारी साहु गिन्जो ठाकुर गाँव, थाना बुरमू जिला- राँची	JH01BM9856	19.03.23	100 Cft	13,320



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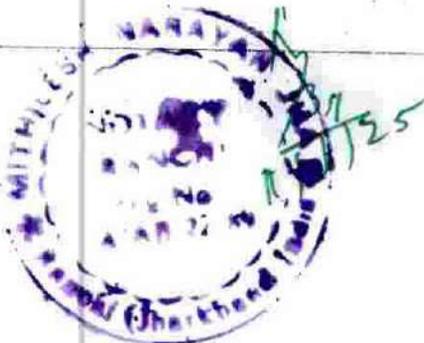
F.Y.2023-24

क्र० सं०	वाहन मालिक का नाम एवं पता	वाहन संख्या	दिनांक (जन्ती)	जप्त बालु की मात्रा /Cft	EC (Market value of Sand =Rs.4000/100 Cft) in Rupees.
1	2	3	4	5	6
1	श्री मिथलेश कुमार मालाकार, पिता रामधनी माली, जोरदाग, चट्टी बरिधातु बड़कागांव, हजारीबाग।	JH02AR5559	03.04.23	100 Cft	13,320
2	श्री बैजनाथ महतो, पिता भूषण महतो, गैरी कला, कैरेडारी, हजारीबाग।	JH02AS4742	28.03.23	100 Cft	13,320
3	श्री बैजनाथ महतो, पिता भूषण महतो, गैरी कला, कैरेडारी, हजारीबाग।	JH02AS3237	28.03.23	100 Cft	13,320
4	श्री कामेश्वर महतो, पिता युगल महतो, राजा टोला, सिकरी, बड़कागांव, हजारीबाग।	JH02BK5062	10.03.23	100 Cft	13,320
5	श्री अजय मुंडा, पिता कामदेव मुंडा, ग्रा0 पो0- तुरामुली, थाना- बुडमू जिला- राँची।	JH01EV9158	05.02.23	100 Cft	13,320
6	श्री जानकी महतो, पिता स्व० नान्दो महतो, ग्रा०पो०- सलग, थाना- केरेडारी, जिला- हजारीबाग।	JH02BL9808	22.03.23	60 Cft	7,992
7	श्री खिरोधर साव, पिता गोविन्द साव, बैगबरी, पो०- हेवई, थाना केरेडारी, जिला- हजारीबाग।	JH01BN6591	28.02.23	100 Cft	13,320
8	श्री जगदीश उरॉव, पिता भगवत उरॉव, करजवा टोली, पो०- गिन्जो ठाकुर गाँव, थाना बुडमू जिला राँची।	JH01DT5736	29.04.23	100 Cft	13,320
9	श्री बिनोद नायक, पिता निखु नायक, ग्रा०+पो०- चट्टी बरियातु, थाना- कैरेडारी, जिला- हजारीबाग।	JH13D3638	28.03.23	100 Cft	13,320
10	श्री संजय राणा, पिता बैजनाथ राणा, ग्रा०+पो०- पचड़ा थाना केरेडारी, जिला- हजारीबाग।	JH01EU6407	01.06.23	100 Cft	13,320
11	श्री नीतु कुमारी, पति पुरन मुण्डा, हेन्देरीर, थाना- केरेडारी, जिला- हजारीबाग।	JH124K2854	25.05.23	100 Cft	13,320
12	श्री प्रेम कुमार, पिता टेकन महतो, ग्रा०+पो०- हेवई, थाना- केरेडारी, जिला- हजारीबाग।	JH02AG4558	01.06.23	100 Cft	13,320
13	श्री कालेश्वर पौसी, पिता स्व० डोमन पासी, ग्रा० केमो, पो०+थाना- कैरेडारी, जिला- हजारीबाग।	JH02BA6837	09.03.23	100 Cft	13,320
14	श्री प्रभु कुमार, पिता मिखारी साव ग्रा० पहरा, पो० हेवई, थाना केरेडारी जिला- हजारीबाग।	JH02BJ5115	09.06.23	100 Cft	13,320
15	श्री सूचित उरॉव, पिता जगदीश उरॉव, करजुवा टोला, पो० गिन्जो ठाकुर गाँव, थाना- बुडमू जिला राँची।	JH01CU5382	29.04.23	100 Cft	13,320
16	श्री राहुल कुमार गुप्ता, पिता बजरंग कुमार गुप्ता, ग्रा०+पो०- गरीकला, थाना- केरेडारी, जिला- हजारीबाग।	JH08D9643	29.04.23	100 Cft	13,320
17	श्री छोटे लाल कुमार, पिता ईश्वरी साव, ग्रा०+पो०+थाना- केरेडारी, जिला- हजारीबाग।	JH02BN3377	19.10.23	100 Cft	13,320



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18	श्री किशोर कुमार, पिता रामेश्वर महतो, ग्रा०- डहु, पो०- नवादा, थाना- टण्डवा, जिला- चतरा।	JH02BN2245	21.10.23	100 Cft	13,320
19	श्री मिलन पासवान, पिता जुठन पासवान, ग्रा० पो०- धनगडा, थाना- टण्डवा, जिला- चतरा।	JH13D3391	05.10.23	100 Cft	13,320
20	श्री विकाश कुमार पिता रव० सुरेश साव, ग्रा०+पो०- कण्डाबेर, थाना- केरेडारी, जिला- हजारीबाग।	JH02BM8934	31.10.23	100 Cft	13,320
21	श्री कफर्मु कुमार महतो, पिता बलकु महतो, ग्रा० - केदली, पो० - उमेददा, थाना- बुडमू जिला- राँची।	JH01FE4930	26.11.23	100 Cft	13,320
22	श्री समिल मुण्डा, पिता टीमा मुण्डा, ग्रा० - नवादा (दौठनियाँ), पो० उमेददा, थाना बुडमू जिला- राँची।	JH06N6432	26.11.23	100 Cft	13,320
23	श्री कार्तिक महतो, पिता मगन महतो, ग्रा० - नडपारम, पो० थाना- टण्डवा, जिला- चतरा।	JH13E2894	25.11.23	100 Cft	13,320
24	श्री दशरथ यादव, पिता र० बुधन यादव, ग्रा० सयाल, पो०- सलगा, थाना- केरेडारी, जिला- हजारीबाग।	JH02BG6378	28.11.23	100 Cft	13,320
25	श्री अंशु चौबे, पिता अजित चौबे, गुरुगई, नवज, नौज, थाना- बुडमू, जिला- राँची।	JH01FB5972	19.12.23	100 Cft	13,320
26	श्री सुरज मुण्डा, पिता बबलु मुण्डा, बीच टोला, कमडे, थाना- कांके, जिला- राँची।	JH01EX1066	19.12.23	100 Cft	13,320
27	श्री रीना देवी, पति दिरपाल महतो, चेतार टोला, पो०- गुरुगई, थाना- बुडमू, जिला- राँची।	JH01DR2295	19.12.23	100 Cft	13,320
28	श्री पारस महतो, पिता नागेश्वर महतो, ग्रा०+पो०- चकमे, थाना- बुडमू जिला - राँची।	JH23B2717	19.12.23	100 Cft	13,320
29	श्री अजय यादव, पिता महेश यादव, ग्रा० - पिरागुटऊ पो०+थाना- बुडमू जिला- राँची।	JH2B5507	19.12.23	100 Cft	13,320
30	श्री प्रबिल महतो, पिता फुचन महतो, ग्रा०- गरी कला, पो०+थाना- केरेडारी, जिला- हजारीबाग।	JH02AV4192	07.01.23	100 Cft	13,320
31	श्रीमती शमा देवी, पति अनुप कुमार साहु ग्रा०- गिन्जो ठाकुर गाँव, पो०+थाना- बुडमू जिला- राँची।	JH01EZ6185	19.12.23	100 Cft	13,320
32	श्री पंकज कुमार, पिता शिवदयाल साव, ग्रा० - बेगवरी, पो०- हेवई, थाना- केरेडारी, जिला- हजारीबाग।	JH02BK6795	28.12.23	100 Cft	13,320
33	श्री रघुनन्दन प्रसाद कुशावाहा, पिता राम सुन्दर महतो, ग्रा० - कुवर टोला, पो०- रामगढ कैंट, थाना+जिला - रामगढ।	JH01G9679	28.12.23	100 Cft	13,320
34	श्री सुलेन्द्र कुमार साव, पिता सहदेव साव, ग्रा० -चुरचू पो०- कण्डाबेर थाना - बडकागाँव, जिला- हजारीबाग।	JH02AW7528	07.03.23	100 Cft	13,320
Total					8,33,832 .00/- (आठ लाख तैतीस हजार आठ सौ बतीस रुपये मात्र)



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22/12/23
(अशोक कुमार यादव)
विशेष कार्य पदाधिकारी

Calculation of Environmental Compensation in light of Board's letter no. 713 dated 10.03.2025. Total 11 cases for which FIR has been registered (As per DC, Hazaribagh's letter vide memo no. 264 dated 03.03.2025)

Sl no.	Case no./date/clause	Name of accused	Quantity of mineral in Cuft	EC calculation As per formula 'NPV=PV-D' Where PV- Present value of foregone Ecological Values. D- Market value of illegally mined materials NPV-Net Present value of foregone Ecological Values		
				Rate per Tractor i.e. 100 Cuft	Quantity in tractor	Total EC in (₹)
2022-2023						
1.	Kerendari PS Case – 138/22 dated 23.09.2022	Baleshwar Mahto, Pe- Chhotu Mahto, PS – Kerendari, Hazaribagh	100	4000	100 Cuft	13320.00
2.	Kerendari PS Case – 175/22 dated 31.11.2022	Tractor owner- Basanti Devi, W/o Yugal Singh Driver – Ravindra Singh, S/o – Babulal Singh, PS – Kerendari, Hazaribagh	100	4000	100 Cuft	13320.00
2023-24						
3.	Kerendari PS Case – 300/23 dated 03.11.2023	Raj Kishore Kumar, S/o- Shivdayal Saw Ramesh Mahto, S/o – Khetu Mahto, Dev Mahto, S/o – Dashrath Mahto , Milan Paswan, S/o – Jhuthan Paswan, Prakash Saw, S/o –	300	4000	100 Cuft per tractor	39,960.00

As. D.
M. P. Singh
03/11/2023



		Sahdeo Saw, All district - Hazaribagh				
4.	Kerendari PS Case – 224/2023 dated 25.06.2023	Dilchand Kushwaha Pe- Pusan Mahto Rajesh Saw, Pe – Andu Saw, Kavita Devi, D/o – Dipak Kumar, Rajesh Kumar, Pe- Bheju Mahto, Sanjay Kumar, Pe- Ramchandra Ram, Anuj Bhuiya, Pe- Langar Bhuiyan All district - Hazaribagh	Not mentioned			Quantity of Mineral not mentioned.
5.	Kerendari PS Case – 228/2023 dated 29.06.2023	Aarti Devi, W/o- Budhinath Mahto, Barkagaon, Hazaribagh	Not mentioned			Quantity of mineral not mentioned.
6.	Kerendari PS Case – 236/2023 dated 10.07.2023	Dayanand Saw, S/o – Hardayal Saw, Barkagaon, Hazaribagh	1500	4000	100 Cuft per tractor	1,99,800.00
7.	Kerendari PS Case – 248/2023 dated 24.07.2023	Nageshwar Saw, S/o – Roola Saw, Kerendari, Hazaribagh	100	4000	100 Cuft	13320.00
8.	Kerendari PS Case – 273/2023 dated 26.08.2023	Sujit Kumar, S/o Kalendra Singh, Kerendari, Hazaribagh	250	4000	100 Cuft	33,300.00



9.	Kerendari PS Case – 273/2023 dated 26.08.2023	Krishna Sw, S/o – Jageshwar Saw, Badkagaon, Hazaribagh	100	4000	100 Cuft	13320.00
10.	Kerendari PS Case – 49/2024 dated 23.03.2024	Nirmal Mahto, S/o Late Nanhu Mahto, Kerendari, Hazaribagh	100	4000	100	13320.00
11.	Kerendari PS Case – 53/2024 dated 28.03.2023	Budhan Oraon, Kerendari, Hazaribagh	100	4000	100	13320.00

Note:- (i) All calculations has been made as per Hon'ble NGT's order dated 26.02.2021 in O.A. 360/2015 & 575/2019.

Ashutosh
05/05/2025
Ashutosh

Environmental Engineer, JSPCB HQ

